Permanent forum for indigenous people

I. BACKGROUND

1. Although the world's indigenous people have for centuries been helping to enrich the world's civilizations with the diversity of their cultures and their forms and modes of social organization - an invaluable contribution to the common heritage of mankind - the survivors of that long-distant hecatomb of colonialism continue to be assailed and excluded from the international community.

2. It is a paradox that, on the threshold of the third millennium and 50 years after the adoption of the Universal Declaration of Human Rights, racism and racial discrimination against the indigenous people and brutal spoliation of their lands and natural ressources has reared its ugly head, while they are being forced to accept the neocolonial model as the world's universal value. It is dispiriting to observe the egotism, hypocrisy and lack of political will both of the northern Powers and the southern elites which are endeavouring to close the portals of the temple of human rights on the victims and condemn their defenders.

3 On the eve of the twenty-first century, a large proportion of the world's population is being unjustly excluded from economic, political and social life and is denied the protection afforded by the international norms. Reliable reports delivered at various United Nations forums state that indigenous inhabitants live outside the concert of the international community and are deprived of the right to participate in regional and international forums dealing with indigenous issues, because the vast majority of their grassroots representative organizations are not recognized as having consultative status by the Economic and Social Council.

4. In order to rectify this anomaly in the United Nations system, the Vienna Declaration and Programme of Action (1993) recommended that priority consideration be given to the establishment of a permanent forum for indigenous people within the United Nations system.

5. To that end, the Vienna World Conference appealed to the States and the United Nations bodies to guarantee indigenous people free and full participation in all aspects of society, particularly in the United Nations forums directly or indirectly concerned with their rights and freedoms.

6. In accordance with those principles, the General Assembly reaffirmed, in resolutions 48/163 of 21 December 1993 and 52/108 of 12 December 1997, that one of the central aims of the International Decade of the World's Indigenous People was precisely to give priority consideration to the establishment in Peru of a permanent forum for indigenous people.

7. The recommendation and the appeal to the States to consider the establishment of a permanent forum capable of responding to the age-old protest of millions of indigenous inhabitants as a matter of priority are encouraging. In that regard, the Commission on Human Rights, at its fifty-fourth session, decided to set up an unlimited working group with the mandate to prepare and examine specific proposals from Governments and indigenous populations in

connection with the establishment of a permanent forum within the United Nations system,

8. It would be only fair for the United Nations, 50 years after its founding, to open its doors to indigenous people and national minorities deprived of the right to speak out in their own countries and guarantee them access to international platforms. Their irreversible integration as subjects of the international community should be part and parcel of the movement for decolonization of dependent peoples, more particularly in the democratization process now underway in the United Nations system.

9. In the progressive march of history, the establishment of a permanent forum could serve as reparation for one of the most anachronistic injustices of western civilization, guaranteeing effective participation for indigenous populations and nations that have been excluded from the international community, perceived as second-class citizens in their own countries, despoiled of their lands and prevented from enjoying their natural wealth and resources.

10. The need to institute a permanent body accessible to all indigenous communities, among other things, is explained by the just recognition of the concept of PEOPLES and their active participation in the planning and implementation of the programme of action for the International Decade, the aim of which is to "solve the problems besetting indigenous peoples in such areas as human rights, the environment, development and health and education".

11. In view of the mounting numbers of United Nations standard-setting and operational activities, only the creation of an effective mechanism can ensure the participation of indigenous people. This calls for the establishment of a forum to serve not as just another bureaucracy, but as an advisory, deliberative and operational United Nations organ; that is to say, an unrestricted platform for those who have no say, with a permanent secretariat allocated adequate funds from the United Nations budget.

12. In conclusion, by virtue of the principles of universality, indivisibility and interdependence of fundamental rights and freedoms, the permanent forum would recognize indigenous identity as a political and economic entity; that is, as a subject of law, endowed with full powers to contribute to the adoption of United Nations decisions.

II. MANDATE OF THE FORUM

13. By virtue of its quite precise powers in the area of economic, social and cultural rights, as well as civil and political rights, the permanent forum should be established at the highest level within the United Nations system and come directly under the Economic and Social Council.

14. In its capacity as one of the subsidiary organs of the Economic and Social Council, it be empowered to deal with all matters affecting indigenous populations, such as the rights to development, the environment, health, education, etc. Following a dispassionate examination of the problems stated, it would adopt decisions as befits its competence and formulate recommendations to the Secretary-General and the Economic and Social Council through the Commission on Human Rights.

15. The functions and prerogatives of the permanent forum for indigenous people would be as follows:

a) To make a priority study of the problems connected with the rights to free and sustainable development, collective ownership of land and demilitarization of their territories with a view to rehabilitating ancestral modes of production and guaranteeing the indigenous populations enjoyment of their natural wealth and resources;

b) To conduct studies and research to determine the causes of the constant environmental degradation and air and water pollution, adopting measures for preserving mother earth by revitalizing ancestral civilizations' forms and modes of social organization;

c) To make an informed study of social phenomena such as racism, racial discrimination, exclusion, extreme poverty, rural exodus, health, infant mortality, education, protection of intellectual property (medicinal herbs, etc.). These issues that have a vast human dimension should be addressed with scrutiny of, and in close connection with, the neo-liberal economic policies and regimes imposed by the international financial institutions;

d) To promote, coordinate and evaluate the programmes of action within the framework of cooperation for the International Decade of the World's Indigenous People from the budget of the Voluntary Fund for the Decade, the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean and other public or private voluntary contributions, the purpose of which is to strengthen peace and promote the prosperity of peoples;

e) To devise alternative development strategies for ensuring the survival of indigenous communities threatened with extinction and publish reports on their socio-economic conditions and the extreme poverty that resulted from the unlawful usurpation of lands and natural resources by the transnational corporations installed on their territories. In this context, the forum would contribute to the elaboration of juridical mechanisms designed to regulate the activities of the transnational corporations;

f) To examine as a matter of priority the petitions, statements and complaints concerning violations of human rights and fundamental freedoms on indigenous territories and make recommendations to the Secretary-General through the Commission on Human Rights and, in the best-case scenario, submit them to the International Criminal Court against the accused perpetrators of grave violations;

g) To settle by peaceful means any controversies and disputes that arise between indigenous populations and Governments, so as to contribute to peacekeeping, working in peace and friendship and reciprocal cooperation among peoples;

h) To create working groups composed of indigenous experts and government representatives with the mandate to oversee enforcement of the Declaration, ILO Convention 169 and other international instruments in force, the conclusions of which would be submitted to the Economic and Social Council and the Commission on Human Rights;

i) To advise the bodies of the United Nations system, Governments and indigenous organizations on the formulation of policies for developing and utilizing financial and human resources. To that end, the Indigenous Parliament and indigenous notables and academics would be convoked to a wide-ranging debate to evaluate the Forum's activities and the degree of indigenous participation in implementation of the Programme of Activities of the International Decade of the World's Indigenous People.

III. STRUCTURE OF THE FORUM

16. Equal representation on the forum should abide by the criterion of equitable geographical distribution and comprise government and indigenous representatives. However, its doors should be open to States, specialized agencies, non-governmental organizations, independent experts and noted academics as observers.

a) The permanent forum should be composed of 22 full members in the following proportion: 10 government representatives, 10 indigenous representatives and one representative of the Secretary-General and another of the Office of the United Nations High Commissioner for Human Rights.

b) In compliance with the principle of geographical distribution that ensures equitable regional representation, the membership of indigenous representatives should be structured as follows: two representative from South America, two from Central America and the Caribbean, two from the United States and Canada, one from Australia, one representative from the Nordic countries, one from the indigenous population of the far Russian north and one representative from Asia and Africa;

c) The indigenous candidates elected by their local, regional or national grassroots organizations should be identifiable by their indigenous identity and should meet the following conditions: they must be renowned for their irreproachable integrity, moral authority and competence and, more particularly, their long experience and a sound grasp of indigenous issues;

d) The governmental and indigenous members should be appointed by the Economic and Social Council by consensus and in accordance with established procedures. The indigenous representatives could be appointed from a list of candidates prepared and submitted by the regional organizations to the Economic and Social Council through the Commission on Human Rights and on its recommendation;

e) The indigenous members would be entitled to participate as full members in the deliberations for the representation, actions and rights, not only of their respective communities and organizations, but of all indigenous nations;

f) The government and indigenous members should be confirmed in their functions through a resolution of the Economic and Social Council for a three-year term, with the possibility of re-election to a second term;

g) Barring a decision to the contrary, the forum could meet for two weeks each year in Geneva and, preferably in the countries with a fair

indigenous population, and adopt their decisions by a majority the member present and voting;

h) The forum should be attached to the Office of the United Nati High Commissioner for Human Rights headquartered in Geneva, and open its indiscriminately to all indigenous people and their representative organizations, whether or not they are recognized by the Economic and Soc Council as having consultative status;

i) By its nature and decision-making capacity, the permanent for should have an independent secretariat comprising a minimum of four offic two of whom should be high-ranking indigenous officials in accordance wit regulations;

j) For the fulfilment and exercise of its powers and, in accorda with its mandate in the area of human rights and related freedoms, the pe forum should be assigned sufficient financial, technical and human resour from the regular budget of the United Nations and the voluntary contribut the international community.